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A Critical Analysis of Islamic Law and Human Rights in Early Childhood Protection

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Abstract
The phenomenon of human rights violations in Indonesia, such as freedom of expression, rights of minority groups, and violence against women, creates tension between Islamic law and international standards. Although Islamic law teaches the protection of the right to life and social welfare, challenges arise in its implementation in modern society. To create balance, open dialogue and a more inclusive adaptation of Islamic law are needed so that human rights are respected without ignoring Islamic values. The research method is qualitative, with a literature review. As a result, the relationship between Islamic law and human rights, especially in the context of early childhood protection, is complex but not necessarily irreconcilable. While both systems share common goals in promoting the well-being and safety of children, significant tensions arise around issues such as child labor and early marriage, where traditional interpretations of Islamic law may conflict with modern human rights standards like those in the CRC. However, through ongoing dialogue, reinterpretation of Islamic principles in light of contemporary human rights, and legal reform, it is possible to create a legal framework that respects both Islamic values and the universal rights of children. By doing so, societies can ensure that children are protected, nurtured, and allowed to grow in a safe and supportive environment, fulfilling both religious and human rights obligations.

Keywords: *Islamic Law, Human rights, Law enforcement, Early childhood*

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Introduction

The phenomenon of human rights (HAM) in Indonesia is currently a growing concern. Human rights issues are increasingly emerging with various cases of rights violations affecting individuals and community groups (Suhaili, 2019). One topic that often receives attention is freedom of opinion and assembly, which is often hampered by repressive actions from state officials (Iryani, 2017). Cases such as the dispersal of demonstrations or intimidation of activists who criticize the government indicate violations of the right to freedom of expression which should be guaranteed by the 1945 Constitution and international legal instruments (Said et al., 2023). This phenomenon creates tension between individual freedom and social control efforts carried out by the state.

Apart from freedom of opinion, the rights of minority groups are also often neglected in social practices in Indonesia (Paramitha, 2024). For example, violence against minority religious groups, such as Ahmadiyah and Shia, has occurred in various regions. These groups are often targets of discrimination and violence, both physical and social, due to different religious views (Said et al., 2023). This discriminatory action reflects a lack of respect for the

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principle of religious freedom which should be guaranteed by the state. Despite efforts to reduce these tensions, in reality, policies often do not provide enough protection for their basic rights.

Apart from that, cases of violence against women and children, as well as violations of their rights in the household, also continue to be in the spotlight. The high rate of domestic violence (KDRT), together with the phenomenon of human trafficking, increasingly shows injustice in the protection of the rights of women and children in Indonesia. Several institutions and non-governmental organizations (NGOs) continue to fight for these rights, but weak law enforcement and social stereotypes often hamper these efforts (Wardhani, 2023). Many cases do not receive serious attention from law enforcement officials, while victims of domestic violence and exploitation often do not have adequate access to justice.

Rights to land and natural resources are also an issue that is no less important in the context of human rights violations in Indonesia. Indigenous communities fighting to defend their land rights are often faced with the power of large corporations that have a strong influence on government policy (Putri et al., 2023). Cases such as what happened in the Kalimantan forest area, where large companies exploiting natural resources evicted customary land, show the imbalance between economic power and the rights of indigenous communities. Communities that depend on land and forests for their survival are often victims of unfair land claims and environmental destruction that harm them.

Not only that, Indonesia also faces various challenges related to digital freedom and the right to privacy. Along with the rapid development of technology and the digital world, threats to individual freedom in cyberspace have also emerged (Sulistiyaningsih & Elfudllatsani, 2024). The government often implements policies that limit freedom of expression via social media under the pretext of maintaining public order, but this also raises questions about the extent to which these policies limit the right to freedom of expression. Cases of arrests or blocking of social media accounts deemed to be spreading "harmful" information are clear examples of how digital freedom is increasingly being controlled (Said et al., 2023). The right to privacy in cyberspace is also increasingly threatened by misuse of personal data by various parties, both companies and state officials.

In an effort to overcome human rights violations, Indonesia has established the National Human Rights Commission (Komnas HAM) as an independent institution to monitor and supervise the implementation of human rights in this country (Warjiyati, 2019). Although Komnas HAM's role is very important in reporting human rights violations and providing recommendations, this institution is often faced with various challenges, including limitations in terms of its authority and resources (Sulistiyaningsih & Elfudllatsani, 2024). Human rights violations that occur in Indonesia, whether in the form of violence, discrimination or violations of social rights, require more attention from the government and all related parties to ensure equal justice for all citizens.

In this context, it is important to ask how Islamic law can provide a different perspective on human rights violations and how this law can contribute to the protection of human rights. Islamic law, which originates from the Koran and Hadith, has its own views regarding individual basic rights (Putri et al., 2023). One of the main principles taught in Islamic law is the protection of the right to life, which means that every individual has the right to live safely and be protected from all forms of threats or violence. Islam teaches that life is a trust from God, and anyone who threatens or destroys another person's life is considered to have committed a major sin.

Apart from that, social and economic rights also receive attention in Islamic law. In Islamic teachings, every individual has the right to a decent and sufficient life. The right to a fair living and work is part of social obligations in Islam. Islamic law emphasizes the importance of fair distribution of wealth, and this is the basis for creating a prosperous society (Makki, 2023). Zakat, alms and waqf are mechanisms implemented in Islamic law to overcome

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poverty and social inequality (Aminah, 2010). In this context, Islamic law teaches that wealth must be distributed fairly and there should not be too large a social gap between rich and poor.

Justice in Islamic law does not only include the protection of individual rights, but also pays attention to the rights of minority groups and those who are weaker. Islam teaches about the importance of paying attention to vulnerable groups, such as children, women and the poor. In many hadiths, Rasulullah SAW reminded his people not to oppress people who were unable to defend themselves (Hafniati, 2018). Therefore, Islamic law places great emphasis on the importance of protecting weaker groups, both in social and economic contexts.

The right to religion and freedom of belief are also an integral part of human rights principles in Islamic law. Islam provides space for every individual to practice their religion and beliefs without coercion. This principle is very relevant to the concept of religious freedom recognized in international law (Iryani, 2017). However, in practice, there are differences in the interpretation and implementation of Islamic law in various countries. Some Muslim-majority countries apply Islamic law strictly, while others are more moderate in their approach to religious freedom.

However, although Islamic law teaches respect for human rights, there are challenges in its implementation, especially when Islamic law meets modern human rights principles. Some argue that there is a contradiction between the more conservative application of Islamic law and more liberal international human rights standards, such as the right to sexual freedom or freedom of expression (Suhaili, 2019). For example, in some countries that apply Islamic law, freedom of expression and the right to sexual identity may be restricted based on certain interpretations of Islamic law.

On the one hand, Islamic law which prioritizes social justice and welfare can contribute positively to protecting human rights. However, in some cases, stricter application of Islamic law may lead to violations of the rights of certain individuals, especially those with different views or identities (Afandi & Muksin, 2022). Therefore, it is important to question whether Islamic law can be adapted to better align with internationally recognized human rights principles, or whether there is a fundamental conflict between the two.

The application of Islamic law and the protection of human rights certainly requires a very careful balance. Many countries are trying to reconcile the two by developing national laws that reflect Islamic values while respecting more universal human rights (Afandi & Muksin, 2022). In this process, open and constructive dialogue between various parties is essential to ensure that every individual receives protection commensurate with their human dignity.

Can Islamic law be in harmony with human rights principles, or are there contradictions that conflict with each other? This question is not only a challenge in the Indonesian context, but also for other countries with a majority Muslim population. In this context, a deeper understanding of how the principles of justice in Islam can be implemented in the modern world is important.

In connection with how Islamic law can relate to human rights, questions arise regarding the extent to which the principles of Islamic law can be adapted to the dynamics of the increasingly developing modern world. Some countries with large Muslim populations are attempting to create a more moderate approach to enforcing Islamic law. This approach seeks to adapt Islamic principles more flexibly and in accordance with existing socio-political realities (Zulhilmi, 2019). For example, in several countries, Islamic law reforms were carried out to ensure that individual rights were respected, while the moral teachings of Islam were maintained. These legal reforms often involve a reinterpretation of Islamic law using deeper and more contextual principles of maslahah (benefit), which can create a balance between the protection of human rights and the application of Islamic law.

However, in some countries, more conservative interpretations of Islamic law often lead to the imposition of controversial punishments or restrictions on individual freedoms. For example, in some countries that strictly implement Islamic law, acts such as adultery or

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homosexuality are considered serious violations of religious teachings and can be subject to severe punishment (Putri et al., 2023). In this context, the question arises about the extent to which Islamic law can be adapted to the international view of human rights, which recognizes the rights of individuals to determine their sexual identity and freedom without discrimination.

In facing this challenge, it is important to see Islamic law not just as a rigid system, but as a system that can adapt and develop according to the needs of the times. One approach that can be considered is applying the principles of social justice contained in Islam to overcome economic and social inequality which is often a source of tension in society. For example, by strengthening zakat and alms mechanisms, Islamic law can play a role in reducing social inequality and helping those who are less fortunate to obtain their rights, such as education, health and decent work.

On the other hand, freedom of religion and freedom of expression remain rights that must be upheld in Islamic law. The history of Islam itself shows that in many cases, Islamic teachings provide space for individuals to have religion and belief according to their conscience, without coercion (Ahmad Agung Setya Budi, 2023). Therefore, even though there are differences in views on certain issues, the principles of justice and humanity in Islam can be the basis for building a society that is more inclusive and respects human rights.

Islamic law, with all its complexities and interpretations, should not be seen as an obstacle to the implementation of human rights. On the contrary, Islamic law can be a solid foundation for building a just and prosperous society, taking into account the rights of vulnerable individuals and groups (Righayatsyah & Muhyi, 2024). However, achieving harmonization between the two requires open dialogue between various parties, including ulama, academics and legal practitioners, to ensure that the principles of justice in Islam can be applied in a modern context while still respecting human rights as a whole.

It is important to remember that achieving harmony between Islamic law and human rights will not be achieved without continuous efforts to understand and adapt both. It takes courage to explore various ways of interpreting Islamic principles, so as to provide more inclusive solutions for all parties (Istiqomah & Chairunnisa, 2019). A harmony that respects both, human rights and Islamic teachings, can certainly be created if there is an effort to bridge the gap in understanding and practice between the two.

The relationship between Islamic law and human rights is a subject of ongoing debate. While Islamic law, rooted in the Quran and Hadith, provides a comprehensive legal and ethical framework, it often raises questions when examined through the lens of modern human rights principles. This tension becomes particularly evident when discussing the protection of children, especially young children in early childhood education. The rights of young children, as outlined by international human rights conventions, sometimes clash with certain interpretations of Islamic law, leading to questions about whether these frameworks are in harmony or in contradiction.

In the context of early childhood, Islamic law emphasizes the importance of nurturing, education, and care for children. However, the application of these principles can vary across different cultures and schools of thought within Islam. The Islamic legal tradition stresses the moral duty of parents and the community to ensure that children are provided with a safe and supportive environment for growth (Correia et al., 2019). This includes the child's right to be treated with respect, to receive proper education, and to be safeguarded from harm, all of which align with broader human rights concepts. However, in some cases, Islamic practices may limit or define children's rights differently than the international human rights framework would.

The United Nations Convention on the Rights of the Child (CRC), which defines and protects the rights of children, has been widely accepted as a guiding document for children's rights globally. The CRC advocates for the child's right to protection, education, and participation. In many Islamic contexts, these principles are also acknowledged, but certain

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interpretations of Islamic law may sometimes be seen as restrictive, particularly concerning issues such as child labor, marriage, and autonomy (Dewi et al., 2022). This discrepancy raises important questions about how Islamic law can be adapted to contemporary human rights standards, especially in the domain of early childhood.

In early childhood education, the principles of human rights and Islamic law can potentially complement each other in protecting children's welfare. Both emphasize the need for children to have access to education, physical protection, and emotional well-being. However, the application of these principles needs careful consideration to ensure that children's rights are upheld in a way that respects cultural and religious values (Quennerstedt, 2016). For instance, while Islamic law mandates education and moral upbringing, it also places certain responsibilities on guardians to ensure the welfare of the child in ways that may sometimes challenge prevailing human rights interpretations.

Ultimately, finding a balance between Islamic law and human rights in the context of early childhood is essential for fostering a just and protective environment for young children. The challenge lies in harmonizing the values of both systems, ensuring that the best interests of children are prioritized. In this respect, scholars and practitioners must engage in dialogue to explore how Islamic law can evolve to support universal human rights while maintaining its unique cultural and religious integrity, particularly regarding the development and protection of children during the formative early years.

This research aims to explore the intersection of Islamic law and human rights, particularly in the context of early childhood protection. By examining both Islamic legal principles and the framework of international human rights conventions, the study will assess whether there is a harmonious relationship or inherent contradictions between these two systems regarding the rights of young children. The research will analyze how different interpretations of Islamic law align with or diverge from the child rights outlined in the United Nations Convention on the Rights of the Child (CRC), focusing on areas such as education, child labor, child marriage, and the child's right to protection from harm.

This research offers a critical analysis of the relationship between Islamic law and human rights, specifically examining whether these two frameworks are in harmony or present contradictions in the context of early childhood protection. While both Islamic law and human rights principles emphasize the importance of safeguarding children, their interpretations and applications can differ, especially in various cultural and legal contexts. The novelty of this study lies in its exploration of how Islamic legal principles align or conflict with international human rights standards concerning early childhood protection. By critically analyzing the compatibility between these two systems, the research will contribute new insights into the ongoing discourse on balancing religious values with universal human rights norms, particularly in contexts where both are seen as equally significant. This study fills a gap in literature by providing a nuanced approach to the intersection of law, religion, and child welfare, offering a deeper understanding of how early childhood protection can be upheld within Islamic legal frameworks without compromising global human rights standards.

This research holds significant urgency, particularly within the Indonesian context, where Islamic law and human rights coexist and often intersect in shaping policies related to child welfare. Early childhood protection is a crucial area where Islamic legal principles and international human rights standards must be carefully balanced. By critically analyzing whether these two frameworks are harmonious or contradictory, the study aims to provide a comprehensive understanding that can guide policymakers in creating more effective and inclusive child protection laws. The findings will offer insights into how Islamic law can coexist with human rights principles, ensuring that the rights of children are respected in a manner that aligns with both religious values and global human rights norms. This research will contribute to the development of legal frameworks that protect children while

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maintaining cultural and religious sensitivities, especially in Indonesia, where Islamic law plays a significant role in the legal system.

Moreover, this study is invaluable for a wide range of stakeholders, including policymakers, academics, and human rights activists. For policymakers, the research provides evidence-based recommendations that can help shape laws which promote the welfare of children without compromising religious or human rights principles. Academics will benefit from the study's contribution to the scholarly discourse on the intersection of Islamic law and human rights, encouraging further inquiry into the compatibility of these systems. Human rights activists and social justice organizations can utilize the findings to advocate for reforms that ensure children's rights are fully protected and respected, fostering a more just and equitable society. By examining both Islamic law and international human rights through the lens of early childhood protection, this research will have a lasting impact on policy development, legal scholarship, and advocacy for children's rights in Indonesia.

Additionally, the research will investigate the practical implications of these legal frameworks in countries where Islamic law is prominent. Through qualitative case studies, interviews with legal scholars, and analysis of existing policies in Islamic and non-Islamic societies, the study will provide insight into how early childhood rights are treated under Islamic law. It will also offer recommendations on how to reconcile potential conflicts between Islamic law and international human rights norms, particularly in ensuring the well-being and development of young children. The findings aim to contribute to the broader discourse on how legal and cultural contexts shape the protection of children's rights globally.

Methodology

The research method used in this study is qualitative with a literature review approach. A qualitative approach was chosen because this research aims to understand in depth phenomena related to human rights and Islamic law, as well as to analyze their relationship in the current Indonesian context. Qualitative research focuses on subjective understanding and interpretation of non-numerical data, which can explore perspectives, values and experiences contained in a phenomenon (Yusanto, 2019).

Literature Review was used as the main approach in data collection. This approach relies on relevant written sources, including books, academic journals, articles, legal documents, reports from international organizations, as well as fatwas from the Indonesian Ulema Council (MUI) relating to the topic of human rights and Islamic law. This literature review aims to identify and analyze various concepts, theories and previous research results related to the main research topic.

The data analysis will involve a comprehensive review of relevant legal texts, Islamic jurisprudence (fiqh), human rights documents, and scholarly articles. A comparative analysis will be conducted to examine the principles of child protection within Islamic law, such as the rights and responsibilities prescribed for parents and the community, and how these align with international human rights standards, particularly those outlined by the United Nations Convention on the Rights of the Child. Through thematic analysis, the study will identify key themes related to the protection of early childhood, highlighting areas of agreement and tension between Islamic legal teachings and human rights frameworks. The analysis will be focused on understanding the theoretical foundations, interpretations, and practical implications of both systems, providing a critical lens through which to explore their compatibility or contradiction in real-world applications. By synthesizing these sources, the research aims to offer a balanced and informed perspective on the intersection of Islamic law and human rights in the protection of young children.

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Results and Discussion

The Harmony or Contradiction Between Islamic Law and Human Rights: A Focus on Early Childhood Protection

The intersection of Islamic law and human rights, particularly in the context of early childhood protection and education, is a complex and evolving area of discourse. While Islamic law has provided legal guidance for centuries, the development of modern human rights frameworks has sparked new conversations about the compatibility or contradiction between these two systems. Specifically, this research explores whether Islamic law and international human rights principles, especially those outlined in the United Nations Convention on the Rights of the Child (CRC), can coexist harmoniously or present inherent contradictions when applied to the protection and welfare of children, particularly in the early years of their lives (Sounoglou & Michalopoulou, 2017).

Islamic law places significant emphasis on the well-being, moral upbringing, and education of children. The Quran and Hadith clearly stress the importance of parents and the community providing a safe, nurturing environment for children. Islamic teachings assert that parents have a sacred duty to ensure their children are cared for, educated, and protected from harm. The teachings of the Prophet Muhammad (PBUH) support the idea that children are a gift and must be treated with respect and kindness. Furthermore, Islamic law has long recognized the importance of childhood education, encouraging children to seek knowledge from an early age. This aligns closely with the CRC, which advocates for the child’s right to education, protection from harm, and a nurturing environment for growth.

Despite these shared values, the application of Islamic law in various Muslim-majority countries often differs, with some interpretations leading to practices that might not align with modern human rights standards. Islamic legal principles, while rooted in universal values, are subject to diverse interpretations, often influenced by cultural and regional practices. For instance, while Islamic law in theory supports the protection of children from exploitation and harm, certain interpretations and local customs may lead to practices like child labor or early marriage (Dewi et al., 2022). These practices can directly contradict international human rights frameworks like the CRC, which emphasizes the prohibition of child labor and early marriage, advocating instead for the protection of children’s rights and development in their formative years.

In contrast, the CRC offers a universal framework for the protection of children's rights. Ratified by most countries, the CRC sets forth a comprehensive set of principles for the protection and well-being of children, particularly focusing on education, protection from exploitation, and the child’s right to participate in decisions that affect them. It emphasizes the importance of treating children as individuals with inherent rights, rather than as the property of their parents or the state (Hanson, 2014). The CRC advocates for the child’s right to be protected from economic exploitation and harmful practices, which often contrasts with certain interpretations of Islamic law that allow for practices like early marriage or child labor under certain circumstances.

While these areas of divergence are significant, there are also points of convergence between Islamic law and the CRC. Both systems prioritize the child’s right to education. In Islamic law, seeking knowledge is considered an obligation for both men and women, and this includes children. The Quran places great importance on education, and the Prophet Muhammad (PBUH) emphasized the importance of knowledge throughout one’s life, making education a central part of Islamic teachings. The CRC similarly emphasizes the right to education, stating that every child should have access to quality education from the early stages of life, ensuring their development and preparation for adulthood.

Additionally, both Islamic law and the CRC emphasize the protection of children from harm. The Quran and Hadith outline clear guidelines for the treatment of children, encouraging respect and care while also condemning any form of abuse or neglect. Islamic law requires parents to provide their children with a safe and loving environment, which aligns

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with the CRC's provisions on the protection of children from physical and emotional harm, including abuse, exploitation, and neglect. In this regard, both Islamic law and the CRC place the responsibility on parents and the community to safeguard children's well-being.

However, significant challenges arise when these frameworks diverge, particularly on issues such as child labor and early marriage. In certain interpretations of Islamic law, practices like early marriage for girls or child labor are considered permissible, based on historical or cultural interpretations of religious texts (Ita, 2018). This poses a direct contradiction to the CRC, which prohibits such practices, viewing them as harmful to the child's physical, emotional, and intellectual development. For example, the CRC states that children under the age of 18 should not be married or subjected to labor that interferes with their education or development. Such provisions are rooted in the belief that children should be allowed to develop in a safe and supportive environment without the burden of adult responsibilities.

The tension between these two systems is particularly evident in areas where traditional Islamic practices, such as early marriage or child labor, are still prevalent. In some cultures, early marriage is seen as a cultural or religious practice, and certain interpretations of Islamic law may validate this. In contrast, the CRC and other international human rights standards emphasize the need to protect children from such practices, arguing that they violate the child's rights and hinder their ability to develop fully (Li & Lu, 2018). This discrepancy is one of the key areas of contention when discussing the compatibility of Islamic law with modern human rights frameworks, especially in the protection of children's rights.

Cultural interpretations of Islamic law also play a significant role in how children's rights are understood and implemented across different Muslim-majority societies. In some regions, Islamic law is interpreted in ways that align closely with the principles of the CRC, ensuring that children have access to education, protection from harm, and the right to a nurturing environment (Baiti, 2020). However, in other contexts, local customs, socio-economic factors, and political realities can lead to the marginalization of children's rights, particularly in the areas of child marriage, child labor, and education (Zaini, 2022). This variation highlights the need for a more nuanced understanding of how Islamic law is applied in different cultural contexts and how it interacts with international human rights frameworks.

One of the most significant challenges in reconciling Islamic law with human rights, particularly in early childhood protection, is the role of guardianship. Islamic law places a strong emphasis on the role of parents and guardians in protecting and guiding children. This concept of guardianship, while well-intentioned, can sometimes conflict with the CRC's emphasis on the growing autonomy of children as they mature (Athoilah Islamy et al., 2020). The CRC emphasizes that children should have a voice in decisions affecting their lives and that their views should be given due weight, especially as they grow older. Islamic law, on the other hand, often places greater authority in the hands of parents or guardians, particularly when it comes to decisions regarding the child's education, marriage, and welfare.

In many Muslim-majority societies, the role of parents as guardians is central to the upbringing of children. This system of guardianship, while providing structure and guidance, can sometimes limit children's autonomy, especially in the case of decisions like early marriage or educational choices. In contrast, the CRC stresses the child's right to be heard in matters that affect them, ensuring that their opinions and desires are taken into account as they mature. This tension between parental authority and the child's autonomy is a key point of divergence between Islamic law and modern human rights frameworks, particularly in the context of early childhood protection.

Despite these challenges, there are potential pathways for reconciling Islamic law with the principles of international human rights. One of the most promising approaches is fostering dialogue between Islamic scholars, legal experts, and human rights advocates. Through constructive dialogue, it may be possible to develop interpretations of Islamic law that align more closely with contemporary human rights standards, particularly in areas such as child protection, education, and welfare (Rahmawati, 2019). Islamic law is not monolithic,

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and there is room for reinterpretation and adaptation in a way that respects cultural and religious values while also ensuring the protection of children's rights in the modern world.

In many Muslim-majority societies, legal systems are already incorporating aspects of international human rights law alongside Islamic legal principles. These hybrid legal systems, which combine Sharia law with national and international human rights standards, may offer a model for ensuring that children's rights are fully protected in a way that respects both Islamic traditions and global human rights norms. Such a legal framework would not only provide for the protection of children in line with the CRC but also honor the cultural and religious values that are integral to these societies.

Ultimately, the goal should be to create a legal and cultural environment that prioritizes the best interests of children, especially in their early years. By finding ways to harmonize Islamic law with modern human rights principles, societies can create a framework that ensures children are not only protected from harm but also given the opportunity to thrive and reach their full potential (Sounoglou & Michalopoulou, 2017). This requires a careful balance between respecting cultural and religious values and ensuring that children's rights are safeguarded in line with international human rights standards.

In conclusion, the relationship between Islamic law and human rights, particularly in the context of early childhood protection, is both complex and critical. While there are areas of significant overlap between the two systems, especially regarding education and protection from harm, there are also key areas of divergence, particularly in relation to practices like child marriage and child labor. Finding a balance between these two frameworks is essential for ensuring the best outcomes for children, and this requires ongoing dialogue, legal reform, and a commitment to protecting children's rights in a way that respects both religious traditions and global human rights norms.

In order to bridge the gap between Islamic law and human rights in the context of early childhood protection, this research offers several policy recommendations aimed at creating a more harmonious legal framework. First, it is essential for the Indonesian government to foster an inclusive dialogue between policymakers, Islamic scholars, and human rights activists. This collaboration will help reconcile potential contradictions between Islamic legal principles and international human rights standards, particularly in areas such as child welfare and protection. The government should establish consultative bodies that bring together legal experts from both religious and secular backgrounds to review existing laws and ensure that they align with both Islamic values and international norms. Such a process would ensure that child protection laws reflect the cultural and religious context while safeguarding fundamental human rights.

Second, there is a need for a nuanced interpretation of Islamic law that can adapt to modern challenges, including the protection of children. Islamic scholars, or ulama, should be encouraged to engage in open discussions about the evolving nature of child protection and how Islamic teachings can be applied in a way that respects the rights of children as outlined in the United Nations Convention on the Rights of the Child (CRC). In this regard, scholars can draw on the rich tradition of ijtihad (independent legal reasoning) to propose interpretations of Islamic texts that support the rights of children, particularly in areas like education, health, and protection from harm. Such interpretations would allow for a dynamic approach to Islamic law that meets contemporary needs while staying rooted in religious values.

Furthermore, the government can implement training programs for legal professionals, social workers, and child protection advocates on the compatibility of Islamic law and human rights principles. These programs should focus on practical applications of the law in child protection cases, offering tools for navigating complex legal and religious considerations. A clear legal framework that incorporates both Islamic law and international human rights standards would empower practitioners to protect children's rights without fear of contradicting religious principles.

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Additionally, human rights organizations can play a pivotal role in raising awareness and advocating for legislative reforms that integrate Islamic law and human rights in child protection policies. By working closely with Islamic leaders and lawmakers, these organizations can help craft laws that not only respect religious traditions but also guarantee the fundamental rights of children. This collaboration would also promote social justice by ensuring that children, particularly those from marginalized communities, are given the protection and opportunities they deserve under both Islamic and international law.

Finally, it is important to establish monitoring mechanisms to assess the effectiveness of laws and policies designed to protect children. Regular reviews and feedback loops should be implemented to ensure that the legal framework remains responsive to emerging challenges in early childhood protection. These evaluations should include input from local communities, religious leaders, and human rights advocates to ensure that the policies are both practically effective and culturally sensitive.

In sum, creating a cohesive policy framework that bridges Islamic law and human rights requires a multi-faceted approach, focusing on dialogue, education, reinterpretation of religious texts, and active engagement of various stakeholders. By following these recommendations, Indonesia can develop a legal system that respects its religious heritage while upholding the fundamental rights of children, ensuring their protection, well-being, and development in a comprehensive and just manner.

Principles of Human Rights in Islamic Law

The principles of human rights in Islamic law are very deep and cover various aspects of human life. In general, Islamic law emphasizes maintaining human dignity and social justice, which are an integral part of the Islamic legal system (Suhaili, 2019). These principles refer to the teachings of the Qur'an and Hadith, which not only regulate the relationship between individuals and God, but also between individuals and fellow humans, as well as between humans and the social and natural environment.

One of the main principles in Islamic law is the right to life. Islam views life as a trust from Allah that must be respected and protected. This is reflected in many verses of the Qur'an which emphasize the importance of preserving life. For example, in surah Al-Ma'idah (5:32), Allah says that killing one soul is the same as killing all of humanity, and saving one soul is the same as saving all of humanity. Therefore, the right to life is a highly valued right in Islamic law, and any form of killing or violence against individuals is considered a major violation of religious teachings.

Apart from that, Islamic law also emphasizes the importance of religious freedom. Freedom to choose and practice religion is a human right given by God. In the Qur'an, there are many verses that explain that there is no compulsion in religion, as mentioned in surah Al-Baqarah (2:256) which says, "There is no compulsion in religion, because indeed the right path is clearer than the wrong path." This principle shows that Islam recognizes the right of every individual to determine their own beliefs without external pressure or influence.

In addition to religious freedom, the right to social justice is also part of the principle of human rights in Islamic law. Islam teaches justice as a very important value in every aspect of life. This justice includes justice in terms of the distribution of wealth, the treatment of individuals, and the fulfillment of basic human rights. In Surah An-Nisa' (4:58), God said, "Indeed, God commands you to hand over the trust to those who deserve it, and when you decide between people, then decide justly." This verse emphasizes the importance of justice in every action and decision taken, both in an individual context and in a wider social context.

In terms of socio-economic rights, Islam also pays great attention to fulfilling the basic needs of each individual. One of the main principles is the right to adequate food, shelter, education and health services. Islam teaches that every individual has the right to a decent living, and the state or society is obliged to provide the necessary resources. Islam encourages

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a system of wealth redistribution through zakat, alms and waqf to help those who are less fortunate, thereby creating social and economic balance in society.

The right to private property is also an important principle in Islamic law. In Islam, every individual has the right to own and manage their property legally and fairly. However, Islam also teaches that wealth should not be used in an unjust way or to harm other people (Righayatsyah & Muhyi, 2024). There are many verses that remind us that wealth must be used for good purposes and not misused for narrow personal interests, as mentioned in Surah Al-Baqarah (2:219), which emphasizes that the assets owned must be used wisely and in goodness.

The principle of the right to protection of individual honor and dignity is also very important in Islamic law. Islam places human dignity in a very high position and prohibits every form of humiliation or treatment that degrades humans. In surah Al-Hujurat (49:11), Allah says, "O you who believe, let not one people criticize another people, perhaps those who are criticized are better than them." This principle emphasizes the importance of maintaining the honor and dignity of fellow human beings, as well as avoiding all forms of slander or insults that could damage individual integrity.

The rights of women and children are also an integral part of human rights in Islamic law. Islam provides clear protection for women's rights, including the right to education, the right to work, and the right to earn a decent living. Islam prohibits all forms of violence against women, both in the household and in society. Apart from that, children also have the right to be cared for and raised in a safe and loving environment. In surah At-Tahrim (66:6), Allah commands parents to look after and educate their children with full responsibility and love.

The right to freedom of opinion and freedom of speech is also recognized in Islamic law, although with certain limitations. Islam teaches that every individual has the right to express their opinion, but it must be done in a way that is wise and does not harm other people. In surah Al-Hujurat (49:6), Allah reminds us that every word must be based on truth and justice, and must not be used to spread slander or lies.

In terms of environmental protection, Islam also teaches that humans have the right to live in a healthy and well-maintained environment. Nature and natural resources are a trust given by God to mankind, which must be protected and used wisely. In surah Al-A'raf (7:31), God said, "O children of Adam, take your ornaments from every mosque and eat and drink, but do not overdo it." This verse teaches the importance of maintaining the sustainability of nature and using natural resources fairly and wisely.

Islamic law also protects workers' rights, including the right to fair wages and good treatment in the workplace. Islam teaches that workers must be rewarded for their efforts, and employers are obliged to provide adequate wages and safe and healthy working conditions. In a hadith narrated by Bukhari, Rasulullah SAW said, "Give rights to workers before their sweat dries." This shows how important it is to respect workers' rights in Islam.

The principle of justice also applies in the Islamic legal system, where every individual has the right to fair treatment before the law, without exception. There is no discrimination in the application of Islamic law, whether based on social status, gender or race. Each individual must be treated fairly, and each case must be decided based on the available evidence. This reflects that Islam places justice as a fundamental value in social and legal interactions.

However, although Islamic law recognizes and protects human rights in many aspects, its application is often influenced by different interpretations of the Shari'a. There are times when these principles are subject to a stricter interpretation or even differ from international human rights standards. Therefore, the application of human rights principles in Islamic law requires in-depth understanding and adjustments to remain relevant to current developments.

Therefore, Islamic law provides a strong foundation for the protection of human rights, but its implementation in modern society requires efforts to harmonize religious teachings with increasingly complex social needs. The diversity of interpretations of Islamic teachings is a challenge in implementing these rights in a fair and equitable manner.

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Comparison of Islamic Law with International Human Rights Standards

The comparison between human rights principles in Islamic law and international standards is a very complex and interesting topic to discuss. The two legal systems have different views and approaches in viewing basic human rights. However, despite similarities in some basic principles, differences in legal context and application often create tensions in harmonization between the two (Zulhilmi, 2019). In discussing these comparisons, we need to understand not only the similarities and differences, but also the challenges that arise in reconciling the two in different social, cultural, and political contexts.

First, one of the clear differences lies in views regarding religious freedom. In international law, religious freedom is considered one of the most basic human rights, which is protected by various international legal instruments such as the Universal Declaration of Human Rights (UDHR). This religious freedom includes the right of individuals to choose their religion, change religion, and carry out religious practices without any hindrance or coercion (Sibawihi et al., 2024). Meanwhile, in Islamic law, although freedom of religion is recognized in its basic principles, there are several restrictions regarding the spread of religion and adherents of non-Islamic religions. In some views, conversion from Islam to another religion is considered a violation of religious teachings and Islamic law.

Apart from that, the right to opinion and freedom of expression is also an interesting difference between these two legal systems. In international law, freedom of expression is highly respected, with the right for every individual to express their opinions without fear of reprisal, including in the mass media and on the internet. However, in the context of Islamic law, although freedom of speech is recognized, there are stricter restrictions regarding speech that is deemed to damage morality or threaten social stability (Putri et al., 2023). For example, in some cases, expressing opinions deemed to be against religious principles or defaming religious figures may be subject to sanctions under Islamic law.

Another difference arises in the context of women's rights. In international law, gender equality and the protection of women's rights is one of the main issues that continues to be fought for. Women's rights to work, get an education, choose a life partner, and have equal inheritance rights with men are part of international norms that must be respected by every country. On the other hand, in Islamic law, although women are granted significant rights, such as the right to work, choose a partner, and obtain an education, there are certain provisions that differentiate the rights of men and women, especially in terms of inheritance and some aspects of marriage. In inheritance, for example, women receive half of men's share, which is often considered gender inequality in modern views.

In contrast to the international legal approach which prioritizes individual rights, Islamic law places greater emphasis on the balance between individual rights and social obligations. In the Islamic legal system, individual rights cannot be separated from obligations towards society and religion (Putri et al., 2023). For example, the right to own personal property is balanced with the obligation to pay zakat, which aims to distribute wealth and reduce social inequality. Meanwhile, in international law, although social obligations and the redistribution of wealth are recognized, more emphasis is placed on the freedom of individuals to manage their property without certain obligations, except for taxes set by the state.

Apart from that, workers' rights are also an area of difference between Islamic law and international law. In international standards, workers' rights are regulated in detail, including the right to fair wages, the right to safe working conditions, and the right to organize. In Islamic law, although there is a principle that workers have the right to fair wages and good treatment, the emphasis on social justice is more general. Islamic law places greater emphasis on the importance of good relations between employers and workers, as well as the obligation of employers not to oppress or withhold workers' wages unfairly, but there are no regulations as comprehensive as international regulations regarding workers' rights.

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Another significant comparison is related to the protection of personal freedom. International law provides very strong protections for personal freedom, with prohibitions against arbitrary detention and torture. This is reflected in instruments such as the International Covenant on Civil and Political Rights (ICCPR). Meanwhile, in Islamic law, although protection of personal freedom is also highly valued, there are broader exceptions, especially in the context of violations of Islamic law such as adultery, theft, or blasphemy against religion. In cases like this, Islamic law allows for punishment that is considered commensurate with the offense committed.

These different applications of punishment also reflect greater differences in views toward the death penalty. In international law, the death penalty is considered a violation of human rights, although some countries still apply it. On the other hand, in Islamic law, the death penalty is accepted as a valid punishment in certain cases such as murder or adultery committed by a married couple. However, in practice, the application of the death penalty in Islam is very dependent on the conditions and existing evidence, as well as the opportunity for the defendant to repent.

Apart from the death penalty, other sanctions in Islamic law can also differ from those accepted in international law, especially in terms of the implementation of hudud, such as cutting off hands for theft or flogging for adultery. International law considers these sanctions to be an inhumane form of punishment and a violation of human rights. However, in Islamic law, these sanctions are considered part of fair and firm law enforcement, even though in reality, their implementation is often very limited and symbolic.

However, despite significant differences, many basic principles are accepted in both legal systems. For example, both Islamic law and international law recognize the right to life, freedom of religion, protection of women and children, and the right to fair treatment before the law. Apart from that, both legal systems also teach the importance of social justice, protection of minority rights, and efforts to create a better and civilized society.

On the other hand, one of the main challenges in harmonizing these two systems is the difference in the interpretation and application of the principles. Some countries that adhere to Islamic legal systems face pressure from the international community to adopt international human rights standards, but they also face the challenge of maintaining their Islamic legal identity (Iryani, 2017). For example, Indonesia, as a Muslim-majority country, has attempted to integrate Islamic values into its national legal system, but while maintaining a commitment to international standards regarding human rights.

The debate over whether human rights stipulated in Islamic law can be adapted to more secular international principles remains an important issue in many Muslim countries (Putri et al., 2023). In some cases, there have been attempts to create a more harmonious legal framework, combining Islamic principles with international human rights. This often involves adjustments in the application of the law, such as changes in social or educational policies to increase understanding and respect for human rights among Muslims.

Although there are differences between human rights principles in Islamic law and international standards, efforts to achieve harmony between the two continue. This adjustment can be achieved through constructive dialogue between Muslim countries and the international community, as well as through a deeper understanding of the values contained in both legal systems.

In order to ensure that Islamic law in Indonesia aligns more closely with international human rights standards, a comprehensive strategy for legal reform is essential. This strategy must be both respectful of Indonesia’s Islamic traditions and proactive in addressing the evolving needs of child protection under global norms. The first step in this reform process is the establishment of a legal reform commission consisting of diverse stakeholders, including Islamic scholars, human rights experts, legal professionals, and child protection advocates. This commission would be tasked with reviewing and revising existing legal provisions that may conflict with or inadequately address international human rights standards, particularly

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those outlined in the United Nations Convention on the Rights of the Child (CRC). The commission's work should focus on reconciling Islamic legal principles with internationally recognized rights, ensuring that children's welfare is prioritized without violating religious teachings.

A critical component of this reform is the reinterpretation of key Islamic legal principles, particularly those concerning the protection of children. The strategy must involve encouraging a progressive yet respectful approach to ijtihad (independent legal reasoning) among Islamic scholars. Scholars should be encouraged to develop new interpretations of the Qur'an and Hadith that align with modern child protection needs, particularly in areas like child labor, education, health care, and protection from violence. By engaging in ijtihad, scholars can explore the rich potential within Islamic jurisprudence to provide legal solutions that are both faithful to religious texts and compliant with international human rights norms. This process would allow Islamic law to evolve in a way that addresses contemporary challenges without losing its religious integrity.

Moreover, the Indonesian government should take steps to integrate human rights education into the legal and educational systems, ensuring that both policymakers and legal professionals are well-versed in international human rights law, particularly the rights of children. This could be accomplished through the introduction of human rights modules in law school curriculums, as well as ongoing training for judges, prosecutors, and social workers who handle child protection cases. Such education would help legal practitioners understand how to navigate the complexities of applying Islamic law in a manner that does not infringe upon children’s fundamental rights as defined by international treaties. By enhancing awareness and understanding of human rights law, Indonesia can create a more informed legal system that is capable of balancing Islamic values with global child protection standards.

A further strategic step would be to establish legal precedents that prioritize child protection within the framework of Islamic law. This could involve passing new legislation or amending existing laws to explicitly incorporate the principles of child welfare and protection as integral components of Islamic legal provisions. For example, Indonesia could adopt child protection policies that are grounded in both Islamic values of compassion and justice and international human rights standards. These laws should be tailored to the local context, ensuring they respect religious traditions while fulfilling Indonesia’s obligations under international law. By doing so, the legal system would set a strong precedent for the protection of children's rights in a way that aligns with both domestic cultural and religious norms and global human rights frameworks.

Additionally, the government should consider strengthening the role of religious institutions in promoting human rights within the context of Islamic law. Islamic organizations, ulama, and community leaders play a central role in shaping public attitudes toward children’s rights. By providing platforms for dialogue between human rights advocates and Islamic religious leaders, the government can foster a mutual understanding that supports both religious teachings and the protection of children. Religious leaders can be instrumental in educating communities about the importance of child welfare and encouraging the adoption of policies and practices that align with both Islamic law and international human rights standards.

Finally, the establishment of monitoring and accountability mechanisms is crucial to ensure that the reform strategy is effectively implemented. These mechanisms should include periodic reviews of child protection laws and policies, ensuring that they remain up-to-date and in compliance with both Islamic and international standards. Independent bodies, including human rights organizations, should be empowered to assess and report on the effectiveness of child protection laws in practice, making recommendations for further improvement. By maintaining a system of checks and balances, the government can ensure that any reforms to Islamic law are not only legally sound but also practically effective in protecting the rights of children.

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The strategy for reforming Islamic law in Indonesia to align with international human rights standards must be multifaceted, incorporating legal, educational, religious, and institutional changes. By fostering dialogue between Islamic scholars and human rights advocates, encouraging ijtihad, integrating human rights education, amending legislation, and establishing robust accountability mechanisms, Indonesia can create a legal system that protects children's rights while remaining rooted in its religious and cultural heritage. This process will not only enhance child protection but will also serve as a model for other nations that seek to harmonize religious law with international human rights standards.

The Role of MUI Fatwa in Addressing Human Rights

The role of the Fatwa of the Indonesian Ulema Council (MUI) in addressing human rights (HAM) in Indonesia is very significant, especially because the MUI has a strategic position in providing direction and guidance relating to Islamic law and public policy. MUI fatwas are often used as a reference for Muslims in Indonesia to determine whether a practice or policy is in accordance with Islamic teachings or not (Said et al., 2023). As an institution consisting of ulama, fatwas issued by the MUI often reflect the collective views of religious experts regarding issues developing in society, including human rights. In the context of human rights, MUI fatwas not only function as a source of law, but also as a tool to uphold Islamic values in people's daily lives.

The MUI has issued several fatwas related to human rights, which aim to direct the public to understand how basic human rights should be respected within the framework of Islamic teachings. One aspect that is often paid attention to in MUI fatwas is the protection of the rights of women, children and minority groups. MUI plays a role in providing explanations regarding how these rights should be fulfilled in accordance with Islamic principles. For example, in terms of protecting women's rights, the MUI often reminds the importance of respecting the position of women in accordance with Islamic teachings, which prioritize justice and welfare for women without violating the Shari'a.

The MUI fatwa in addressing human rights is also very important in the context of the development of positive law in Indonesia. As a country with a majority Muslim population, Indonesia often has to face a dilemma between the application of international law regarding human rights and the implementation of Islamic principles in social life. The MUI plays a key role in providing guidance to the government, legislative institutions and society on how human rights can be integrated into a legal system based on Islamic law. One example is the MUI fatwa regarding the protection of citizens' rights, including the right to life, the right to freedom of religion, and the right to receive a decent education.

In terms of religious freedom, for example, the MUI issued a fatwa confirming that religious freedom is a basic right of every individual, but with certain limitations within the framework of Islamic law. This kind of fatwa shows that the MUI is trying to strike a balance between recognizing human rights and upholding religious teachings in public life (Said et al., 2023). This fatwa also serves as a guide for Muslims in responding to state policies related to religious freedom, such as regulating religious activities involving minority groups or practices that are considered contrary to Islamic teachings.

Apart from that, in addressing women's rights, the MUI has also issued various fatwas that focus on protecting women from domestic violence, sexual violence and other discriminatory practices. The MUI fatwa emphasizes the importance of gender justice in Islam and the protection of women's dignity. For example, a fatwa regarding the husband's obligation to provide adequate protection and maintenance for his wife, as well as the obligation to maintain the honor of women in the family. This kind of fatwa is a reference for society to understand women's rights in Islam and how these can be implemented in everyday life.

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MUI fatwas also play a role in addressing issues related to freedom of expression and individual rights in Islam. In several cases, the MUI issued a fatwa stating that freedom of expression must be limited if it is deemed to damage morality or conflict with religious values. For example, the MUI fatwa is related to social media and the dissemination of information that is considered to damage morals or spread teachings that are contrary to Islam. MUI emphasizes the importance of prioritizing ethics and morality in using the media to convey opinions or information, so that freedom of expression continues to be carried out in accordance with sharia.

Apart from that, MUI fatwas also often raise issues related to the right to education. The MUI considers that education is the right of every individual, but this education must be carried out by paying attention to Islamic principles. The MUI fatwa which recommends education based on Islamic character and morals is a clear example of how the MUI directs society to understand the importance of education that not only emphasizes intellectual aspects, but also moral and spiritual aspects. This shows that the MUI is trying to combine the right to education with the teaching of Islamic values in social life.

However, even though the MUI fatwa provides clear guidance regarding human rights from an Islamic perspective, some of the fatwas issued sometimes cause controversy in society. One example is a fatwa relating to the protection of the rights of LGBT groups. In several fatwas, the MUI considers LGBT behavior to be a form of deviation that is contrary to Islamic teachings, which has given rise to debate regarding the acceptance or rejection of this group in society (Beck et al., 2018). This kind of fatwa raises tensions between the more universal principles of human rights and the moral values found in Islamic teachings.

Apart from that, MUI fatwas in some cases can also be seen as restrictions on individual freedom. For example, in terms of interpretation of religious freedom or freedom in choosing a life partner. Several MUI fatwas require Muslims to follow sharia law in choosing a partner, which sometimes conflicts with views on personal freedom espoused in international law. This shows that the MUI fatwa, although providing clear direction within the framework of Islamic law, can also limit the space for individuals to exercise their basic rights in accordance with the views of the international community.

MUI fatwas are also often used as a reference for the Indonesian government in establishing policies that are in line with Islamic teachings. Even though the Indonesian government is a secular country based on Pancasila, the MUI plays an important role in providing input regarding policies related to religion (Paramitha, 2024). For example, MUI is often involved in providing guidance related to religious education policies, social policies concerning the welfare of Muslims, and other religious policies relating to the basic rights of Muslims. MUI is a bridge between religious teachings and state policy in this matter.

On the other hand, the MUI fatwa can also have a positive impact in creating collective awareness in society regarding the importance of respecting human rights which is in line with religious values. MUI fatwas that support individual rights in the context of family, social rights, and the right to work can provide a strong moral framework in society to respect the rights of others, even though they are not always in accordance with secular views in international law.

However, in the context of globalization and current developments, the MUI also faces challenges in interpreting human rights within the framework of Islamic law in accordance with social developments. Some issues, such as women's rights in employment or the right to freedom of expression, face pressure from various parties who urge the application of international standards in national policies. In this case, the MUI must be wiser in adapting the fatwas issued to developing social conditions, while still adhering to the basic principles of Islamic teachings.

In this case, the role of the MUI fatwa in addressing human rights is to provide clear guidance for Muslims in exercising their rights in accordance with Islamic teachings. MUI must remain committed to respecting human rights within limits in accordance with sharia,

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while still considering social changes and global demands. Wise MUI fatwas will have a positive impact in creating a more just and harmonious society, while maintaining a balance between individual rights and social obligations within the framework of Islamic law.

Integration of Islamic Law with the Enforcement of Human Rights in Indonesia

The integration of Islamic law with the enforcement of human rights (HAM) in Indonesia is a complex and dynamic topic. Indonesia, as a country with a majority Muslim population, faces major challenges in harmonizing the principles of Islamic law with the application of universal human rights, which often originate from international conventions (Suhaili, 2019). This becomes more relevant because Indonesia, even though it is based on Pancasila, still has the potential to integrate Islamic values in upholding human rights, considering the depth of Islamic teachings regarding basic human rights.

On the one hand, Islamic law really respects human dignity and guarantees the basic rights of every individual, such as the right to life, the right to freedom of religion, the right to education, and the right to protection from violence and oppression. In this context, Islamic law and human rights share many similarities, especially regarding the basic principles of justice and the protection of human dignity (Abdillah, 2022; Azhari & Lubis, 2022; Wardhani, 2023). However, differences in perspective arise when Islamic teachings are applied in everyday life, especially regarding the interpretation and limitation of individual rights which are considered to be contrary to religious teachings or social morality.

The history of Islamic law in Indonesia shows the existence of tension between religious law and state law. During the Dutch colonial period, Indonesia was forced to adopt a legal system dominated by Western secular law, which separated religion from the state legal system. However, after Indonesia's independence, the state foundation of Pancasila provided space for religion, including Islam, to play a role in the formation of public policy, as long as it did not conflict with basic human rights principles. Integration between Islamic law and human rights enforcement is starting to be seen through several government policies that attempt to bridge the two, although this often creates debate.

The application of Islamic law in the Indonesian legal system, which applies in several regions such as Aceh, leads to stricter implementation of Islamic law. However, its implementation often raises criticism from groups that support human rights. Several policies implemented in regions that apply more conservative Islamic law are often considered to violate basic rights, especially in terms of freedom of religion, women's rights and freedom of expression (Sitohang, 2025). In this context, Islamic law must be able to adapt to human rights demands without abandoning the basic principles of religion.

Apart from that, the role of state institutions in upholding human rights in Indonesia, such as the National Human Rights Commission, must also be considered in integrating Islamic law with human rights principles. Komnas HAM as an institution tasked with overseeing the implementation of human rights in Indonesia is often a reference point for evaluating policies that refer to Islamic law (Warjiyati, 2019). On the other hand, this institution also faces challenges in balancing respect for the Islamic values that are strong in Indonesian society with the application of international human rights standards that are more secular in nature.

The integration of Islamic law with upholding human rights also requires special attention to women's rights in the Islamic context. Islam itself provides basic rights for women, such as the right to education, the right to own property, the right to work, and the right to be free from violence. However, in some interpretations of Islamic law, women's rights are often narrowed or limited, such as in matters of inheritance, divorce and child custody. Therefore, it is important for Indonesia to strive for a balance between Islamic law and human rights principles, especially in terms of women's empowerment.

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Basically, the upholding of universal human rights must still be respected in the Indonesian legal system, even though Islamic law provides a different perspective regarding several aspects. The Indonesian government, through existing policies, must be able to balance respect for international human rights principles and the application of Islamic teachings in everyday life (Afandi & Muksin, 2022; Ahmad Agung Setya Budi, 2023; Nugroho, 2017). This not only requires cooperation between the government and religious institutions, but also involves active community participation in understanding and implementing human rights in a context that is in accordance with Islamic teachings.

One form of integration of Islamic law with human rights enforcement that can be used as an example is the protection of economic rights. Islam teaches the importance of the economic welfare of the people, which is reflected in the obligation of zakat, infaq and alms to help those in need (Athoillah Islamy & Aninnas, 2020). In this case, the Indonesian legal system that accommodates philanthropic practices based on Islamic teachings can make a positive contribution to upholding human rights, especially the right to a decent life. With collaboration between religious institutions and the state, these economic rights can more easily be realized in the form of more inclusive policies.

Protection of the right to education is also an important issue in the integration of Islamic law with the enforcement of human rights. In Islam, education is considered a right that cannot be ignored, for both men and women (Berlianto et al., 2023; Sokip et al., 2019). This is in line with human rights principles which guarantee every individual the right to obtain a decent education. The Indonesian government, through an education policy based on Islamic law, can introduce a curriculum that combines religious education with general education, which aims to form individuals who are not only intelligent, but also moral and have noble character.

However, the implementation of the integration of Islamic law with the upholding of human rights cannot be separated from existing social and cultural challenges. One of the biggest challenges is the difference in interpretation of Islamic law itself. In Indonesia, there are various schools and schools of Islam that have different understandings of human rights (Sulistiyaningsih & Elfudllatsani, 2024). Therefore, it is important to create space for dialogue between various groups and ensure that the interpretation of Islamic law applied can reflect the fundamental values of justice, equality and freedom for each individual.

Apart from that, the application of Islamic law in the context of human rights in Indonesia also requires adjustments to global developments. In this era of globalization, Indonesia cannot be separated from the influence of developments in international law regarding human rights. Therefore, it is important for Indonesia to strengthen human rights enforcement mechanisms that accommodate the principles of Islamic law, while remaining committed to complying with ratified international conventions. This collaboration will strengthen Indonesia's legal system as a country that not only prioritizes religious values, but also upholds human rights at the global level.

Therefore, it can be concluded that the integration of Islamic law with the upholding of human rights in Indonesia requires joint awareness from all elements of society to build a legal system that is fair, inclusive, and in line with the universal principles of human rights. The government, religious institutions, and society must work together to create a system that not only protects individual rights, but also takes into account the deep religious morality in Indonesian society. Thus, this integration will be able to create harmony that is beneficial for all parties, both from a legal and social perspective.

Conclusion

Islamic law fundamentally upholds human rights by respecting the right to life, freedom of religion, the right to education, and protection of human dignity. These principles are very much in line with the universal values contained in international human rights

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standards, although there are differences in their implementation, especially in terms of individual freedoms that conflict with certain religious or cultural values.

A comparison between Islamic law and international human rights standards shows similarities in the aim of protecting the basic rights of every individual. However, challenges arise in terms of the interpretation and implementation of these two systems in Indonesia, especially related to differences in perspectives on religious freedom, women's rights, and social and economic rights. Islamic law places emphasis on the principles of justice and balance between individual rights and social obligations, while international standards emphasize individual freedom in various aspects. Therefore, the role of the MUI Fatwa is very important in addressing human rights so that it can provide guidelines that are in accordance with Islamic values, while also accommodating universal basic rights.

The fatwa of the Indonesian Ulema Council (MUI) has a strategic role in addressing human rights issues in Indonesia. Through the fatwas issued, the MUI seeks to provide guidance for Muslims in understanding and implementing human rights principles in accordance with Islamic teachings. MUI fatwas serve as a bridge between religious teachings and the need to protect individual rights in a broader social context. These fatwas are important in providing legal legitimacy for state policies that refer to Islamic law, while ensuring that the basic rights of every individual remain respected and protected.

The integration of Islamic law with the enforcement of human rights in Indonesia requires joint efforts from the government, religious institutions and society. Although there are challenges in aligning Islamic law with more secular human rights principles, Indonesia has the opportunity to create a harmonious legal system, where these two values can coexist. Strengthening dialogue between institutions, as well as adapting Islamic law to global developments regarding human rights, will be the key to creating social justice and prosperity for all Indonesian society. As a country with a majority Muslim population, Indonesia must be able to uphold human rights in a way that respects and takes into account Islamic teachings.

This research has certain limitations, particularly due to the availability of literature and empirical data on the intersection of Islamic law and human rights in the specific context of early childhood protection. The scope of the study is primarily based on normative analysis, relying on legal texts, religious interpretations, and human rights documents. This limits the exploration of real-world implementation and practical challenges, as empirical data and case studies that examine the impact of these legal frameworks on early childhood protection are scarce. Additionally, the research does not include primary fieldwork or interviews with stakeholders directly involved in the implementation of child protection laws, which would provide a more nuanced understanding of the practical implications of aligning Islamic law with human rights standards.

Given its normative nature, this research would benefit from further empirical investigation, including field studies and interviews with policymakers, religious leaders, and human rights activists to better understand the practical challenges in reconciling Islamic law with international human rights norms. As a recommendation, the study suggests that Islamic law can be adjusted to align more closely with human rights standards by focusing on interpretative flexibility, allowing for more inclusive and child-centric interpretations of religious texts. Governments should work with scholars and activists to establish legal frameworks that respect both Islamic principles and international human rights, ensuring that early childhood protection laws are comprehensive and effective. Ulama and religious scholars could play a crucial role in advocating for interpretations of Islamic law that support children's rights, while human rights activists can continue to push for reforms that bridge gaps between religious laws and human rights standards. These collaborative efforts can create a more harmonious approach to child protection that respects cultural, religious, and global values.

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References

Abdillah, R. et al. (2022). Pidana Mati Dalam Hukum Nasional Menurut Perspektif Hukum Islam Dan Hak Asasi Manusia. *Al-Hakam Islamic Law & Contemporary Issues*, *3*(2), 54–60.

Afandi, & Muksin. (2022). Hak Asasi Manusia dalam Perspektif Pendidikan Islam. *Al-Ibrah: Jurnal Pendidikan Dan Keilmuan Islam*, *7*(1). https://ejournal.stital.ac.id/index.php/alibrah/article/view/189

Ahmad Agung Setya Budi. (2023). Kawin Paksa Dalam Perspektif Hukum Islam Dan Konteks Kajian Hak Asasi Manusia. *Jurnal Dunia Ilmu Hukum (JURDIKUM)*, *1*(2), 44–49. https://doi.org/10.59435/jurdikum.v1i2.168

Aminah, S. (2010). Hak Asasi Manusia (HAM) dalam Perspektif Al-Qur'an. *Diktum: Jurnal Syariah Dan Hukum*, *8*(2). https://doi.org/10.35905/diktum.v8i2.307

Azhari, W. H., & Lubis, F. (2022). Pernikahan Beda Agama dalam Perspektif Kompilasi Hukum Islam dan Hak Asasi Manusia. *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam*, *1*(1), 3. https://doi.org/10.30868/am.v10i02.3184

Baiti, N. (2020). Konsep Pengelolaan Desain Lingkungan Pendidikan Anak Usia Dini. *Primearly: Jurnal Kajian Pendidikan Dasar Dan Anak Usia Dini*, *3*(1). http://journal.iaisambas.ac.id/index.php/prymerly/article/view/118

Beck, M. J., Rausch, M. A., Wikoff, H. D., & Gallo, L. L. (2018). Ecological Considerations and School Counselor Advocacy With LGBT Students. *Journal of Counselor Leadership and Advocacy*, *5*(1), 45–55. https://doi.org/10.1080/2326716X.2017.1402393

Berlianto, G., Putri, Y., & Nurhuda, A. (2023). Islamic Education in the Time of Umar Bin Khattab: A Historical Study. *Jurnal Hurriah*, *4*(3). https://doi.org/10.56806/jh.v4i3.148

Correia, N., Camilo, C., Aguiar, C., & Amaro, F. (2019). Early Childhood and Children's Rights: A Critical Perspective. *Children and Youth Services Review*, *100*, 76–88. https://doi.org/10.1016/j.childyouth.2019.02.031

Dewi, A. A. I. A. A., Dharmawan, N. K. S., Krisnayanti, A. A. I. E., Samsithawrati, P. A., & Kurniawan, I. G. A. (2022). The Role of Human Rights and Customary Law to Prevent Early Childhood Marriage in Indonesia. *Sriwajaya Law Review*, *6*(2), 268–285. https://doi.org/10.28946/slrev.Vol6.Iss2. 1885.pp268-285

Hafniati. (2018). Hak Asasi Manusia dalam Islam. *Al-Adyan*, *13*(2). https://doi.org/10.24042/ajsla.v13i2.3843

Hanson, K. (2014). Separate Childhood Laws and the Future of Societ. *Law, Culture and the Humanities*, *12*(2). https://doi.org/10.1177/1743872114529502

Iryani, E. (2017). Hukum Islam, Demokrasi, dan Hak Asasi Manusia. *Jurnal Ilmiah Universitas Batanghari Jambi*, *17*(2). https://doi.org/10.33087/jiubj.v17i2.357

Islamy, Athoilah, Lestari, D. P., Saihu, S., & Istiani, N. (2020). Pembiasaan Ritualitas Kolektif Dalam Pembentukan Sikap Sosial Religius Anak Usia Dini (Studi Kasus Di Tk Islam Az Zahra, Kebayoran Baru, Jakarta Selatan). *Educandum*, *6*(2), 175–181. https://doi.org/10.31969/educandum.v6i2.402

Islamy, Athoillah, & Aninnas, A. (2020). Zakat and Tax Relations in Muslim Southeast Asian Countries (Comparative Study of Zakat and Tax Arrangements in Indonesia, Malaysia and Brunei Darussalam). *Li Falah: Journal of Islamic Economics and Business Studies*, *5*(2). https://doi.org/10.31332/lifalah.v5i2.2296

Istiqomah, & Chairunnisa, N. (2019). Perkawinan Beda Agama ditinjau dari Perspektif Hukum

Islam dan Hak Asasi Manusia. *Ius Facti*, *3*(1). https://doi.org/10.61802/if.v1i1%20Juni.239

Ita, E. (2018). Manajemen Pembelajaran Pendidikan Anak Usia Dini di TK Rutosoro Kecamatan Golewa Kabupaten Ngada Flores Nusa Tenggara Timur. *Jurnal Dimensi Pendidikan Dan Pembelajaran*, *6*(1). https://doi.org/10.24269/dpp.v6i1.889

Li, H., & Lu, J. (2018). Legislation for early childhood education: A case study of China. *Children and Youth Services Review*, *86*, 32–41. https://doi.org/10.1016/j.childyouth.2018.01.021

Makki, H. M. A. Al. (2023). Hak Asasi Manusia dalam Al-Qur'an. *Al-Furqan: Jurnal Agama, Sosial, Dan Budaya*, *2*(1). https://publisherqu.com/index.php/Al-Furqan/article/view/142

Nugroho, O. C. (2017). Peran Balai Pemasyarakatan pada Sistem Peradilan Pidana Anak ditinjau Dalam Perspektif Hak Asasi Manusia. *Jurnal HAM*, *8*(2). https://doi.org/10.30641/ham.2017.8.161-174

Paramitha, V. N. (2024). Peran Hukum Islam dalam Harmonisasi Hak dan Kewajiban Asasi Manusia dalam Perspektif Pancasila. *Imtiyaz: Jurnal Ilmu Keislaman*, *8*(1), 263–280. https://doi.org/10.46773/imtiyaz.v8i1.1090

Putri, A., Amanda, D., Yanti, R. F., Amin, A., & Batubara, A. K. (2023). Hak Asasi Manusia Dalam Perspektif Islam. *Al-Wasathiyah: Journal of Islamic Studies*, *2*(2), 195–208. https://doi.org/10.56672/alwasathiyah.v2i2.75

Quennerstedt, A. (2016). Young children's enactments of human rights in early childhood education. *International Journal of Early Years Education*, *24*(1), 5–18. https://doi.org/10.1080/09669760.2015.1096238

Rahmawati, M. (2019). Mendidik Anak Usia Dini Dengan Berlandaskan Pemikiran Tokoh Islam Al-Ghazali. *Al Fitrah: Journal Of Early Childhood Islamic Education*, *2*(2), 274. https://doi.org/10.29300/alfitrah.v2i2.2271

Righayatsyah, E., & Muhyi, A. A. (2024). Islam dan Hak Asasi Manusia Dalam Perspektif Al-Qur'an: Kajian Tafsir Tematik. *Bulletin of Islamic Research*, *2*(2), 267–288. https://doi.org/10.69526/birv2i2.35

Said, H. M. M., Fachrudin, A. P., & Anwar, C. F. (2023). Konsep Hak Asasi Manusia dalam Perspektif Islam dan Barat. *Iqtishad Sharia: Jurnal Hukum Ekonomi Syariah Dan Keuangan Islam*, *1*(4), 51–61. https://journal.albadar.ac.id/index.php/iqtishadsharia

Sibawihi, Basri, H., & Irsyad, M. (2024). Human Rights Perspective of the Quran. *As-Salam: Jiurnal Islamic Social Sciences and Humanities*, *2*(3).

Sitohang, E. Y. (2025). Mempelajari Kekuasaan Allah dan Hukum Islam bagi Manusia dan Alam bagi Anak SD. *Pedagogik: Jurnal Pendidikan Dan Riset*, *3*(1), 30–37. https://ejournal.edutechjaya.com/index.php/pedagogik/article/view/1207

Sokip, Akhyak, Soim, Tanzeh, A., & Kojin. (2019). Character Building in Islamic Society: A Case Study of Muslim Families in Tulungagung, East Java, Indonesia. *Journal of Social Studies Education Research*, *10*(2). https://www.learntechlib.org/p/216573/

Sounoglou, M., & Michalopoulou, A. (2017). Early Childhood Education Curricula: Human Rights and Citizenship in Early Childhood Education. *Journal of Education and Learning*, *6*(2), 53–68. https://doi.org/10.5539/jel.v6n2p53

Suhaili, A. (2019). Hak Asasi Manusia (HAM) dalam Penerapan Hukum Islam di Indonesia. *Al-Bayan: Jurnal Llmu Al-Qur'an Dan Hadist*, *2*(2).

DOI: 10.31004/obsesi.v8i6.6913

https://doi.org/10.35132/albayan.v2i2.77

Sulistiyaningsih, N., & Elfudllatsani, B. (2024). Moral Politik Hukum Islam: Menyeimbangkan Hak Asasi Manusia dan Konservasi Lingkungan. *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum*, *22*(1), 62–64. https://doi.org/10.32694/qst.v22i1.4027

Wardhani, M. K. (2023). Eksistensi Hukuman Pidana Mati dari Kacamata Hak Asasi Manusia dan Hukum Islam. *Jurnal Hukum Dan Kebijakan* , *1*(1), 54–60. https://journal.awatarapublisher.com/index.php/leo

Warjiyati, S. (2019). Hak asasi manusia dalam perspektif Islam dan Barat. *AL Qanun*, *10 No. 2*(1), 16–25.

Yusanto, Y. (2019). Ragam Pendekatan Penelitian Kualitatif. *JSC: Journal of Scientific Communication*, *1*(1). https://doi.org/10.31506/jsc.v1i1.7764

Zaini, M. (2022). *Manajemen Pendidikan Islam Anak Usia Dini* (Abd. Wahib (ed.)). Pustaka Ilmu.

Zulhilmi, A. (2019). Demokrasi dan Hak Asasi Manusia dalam Pandangan Islam. *Sustainability (Switzerland)*, *11*(1), 1–14. https://doi.org/10.46930/ojsuda.v30i2.1670